CF0000087945

CRA-5 (2)

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

Single Bench (Criminal)

Criminal Revision No. 19 /1990

Applicants:- 1. Prem Sai son of Tibllo Uraon, aged about 40 years,
2. Gurwari wife of Prem Sai, aged about 37 years,
3. Charan Sai son of Tibllo Uraon, aged 35 years,
4. Munni Bai wife of Charan Sai, aged about 28 years,
5. Kheso son of Tibllo Uraon, aged about 32 years,
6. Mst. Kodo, wife of Kheso, aged about 26 years,
7. Rijhan son of Tibllo Uraon, aged about 40 years,
8. Raji son of Tibllo Uraon, aged about 50 years,
All cultivators & resident of village Turwa Aama, tahsil Pathal Gaon, District. Raigarh.

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10-1-90
Anand Kumar Jain

10/1/90

Versus

Non-applicants:-1. Jugna son of Nandoo Uraon, aged about 40 years, cultivator, resident of village Turwa Aama, Distt. Raigarh.

2. The State of M.P.

REVISION PETITION UNDER SECTION 397/401, CRIMINAL PROCEDURE CODE.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.Rev.19/90 सन् ~~200~~

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	16-4-2007 Mr. Sanjay Agrawal, counsel for the applicants. Mr. Anand Verma, Advocate, appears on behalf of Mr. Ashish Shrivastava, counsel for non-applicant No.1. Mr. C.R. Sahu, Panel Lawyer for the State/non-applicant No.2. Heard. As per the last order dated 31-3-2005, record of the Executive Magistrate, Pathalgaon was summoned. As per the report dated 28-6-2005 of the Officer In-charge, Revenue Record Room, Raigarh, record has been destroyed on 3-5-1993 on account of elapse of time. This revision petition under Section 397 read with Section 401 of the Cr.P.C. has been preferred by the applicants being aggrieved by the order dated 2-1-1990 passed by the 1st Additional Sessions Judge, Raigarh in Criminal Appeal No.37/89, whereby learned Additional Sessions Judge allowing the revision petition filed by non-applicant No.1 herein set aside the order of the Sub Divisional Officer, Pathalgaon holding that non-applicant No.1 herein was in possession within two months from the date of application under Section 145 of the Cr.P.C. therefore, he is entitled for possession. Original file was called for, but as per the report dated 28-6-2005 sent by the Officer In-charge, Revenue Record Room, Raigarh, the record has been destroyed and therefore, no other record has been produced by respective parties. I have perused the impugned order dated 2-1-1990. In the said order it has been categorically mentioned that applicant No.8 herein himself has filed reply that after taking Rs.2,000/- the land in question was	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	transferred in the name of non-applicant No.1 herein. After scrutinizing the evidence of the parties adduced in the proceedings of Section 145 Cr.P.C., learned Additional Sessions Judge reached to the conclusion that non-applicant No.1 herein was in possession of the land in question. I do not find any illegality or infirmity in the order in question. Therefore, there is no merit in this revision, same is liable to be dismissed and it is hereby dismissed. Parties, if they are still aggrieved, can approach the civil Court for declaration of title. **Sd/-** **L.C. BHADOO** **Judge**	

Soma